

**ORDINANCE NO. 16-\_\_\_\_\_**  
**AN ORDINANCE APPROVING AMENDMENTS TO CHAPTER 22, ARTICLE IV,**  
**DIVISION 4 OF THE WESTMONT CODE OF ORDINANCES REGARDING**  
**CHARITABLE SOLICITATIONS**

WHEREAS, the Village of Westmont is a municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, Chapter 22, Article IV, Division 4 of the Westmont Code of Ordinances regulates solicitations for charitable purposes; and

WHEREAS, the Village of Westmont Board of Trustees desires to amend said Division 4 to provide the Village Clerk with authority to receive, review and issue permits for charitable solicitations, finding these amendments will promote and protect the public interest.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, as follows:

Section 1: The above-stated recitals are hereby restated and incorporated into this Section 1 as though fully set forth herein.

Section 2: Chapter 22 “Businesses,” Article IV “Peddlers, Hawkers and Solicitors,” Division 4 “Solicitations for Charitable Purposes,” is hereby amended as follows (additions are indicated by underlined and **shaded** text; deletions are indicated by ~~strikeouts~~):

**DIVISION 4. - SOLICITATIONS FOR CHARITABLE PURPOSES<sup>[10]</sup>**

**Sec. 22-301. - Permit—Required.**

It shall be unlawful for any person to go from house to house soliciting funds or subscriptions or to publicly solicit, either in person or by agent, upon the public streets, sidewalks or other public places in the village, subscriptions for charitable or religious or educational or other organizations or purposes, whether present gifts of money or promises are sought, without having first secured a permit therefor. There shall be no registration or permit requirement for any person or organization who is spreading information only regarding religious, political or other non-commercial purposes, provided such person or organization is not soliciting funds or peddling or hawking any goods or services.

(Code 1972, § 16-116; Ord. No. 02-146, § 4, 12-16-2002)

**Sec. 22-302. - Same—Application; issuance.**

Application for a permit required by this division shall be made to the village clerk **who** shall approve and issue the permit upon compliance with all requirements of this division. ~~and~~



~~shall be referred to the village president and board of trustees. No permit shall be issued except upon order of the president and board of trustees.~~

(Code 1972, § 16-117)

**Sec. 22-303. - Statewide fundraising drives—Application for permit to solicit contributions at intersections.**

Any charitable organization registered with the attorney general in the manner provided by law may stand upon the streets or highways within the village at any intersection where all traffic is required to come to a full stop, for the purpose of soliciting contributions from the occupants of any vehicle as part of a statewide fundraising activity. The charitable organization is limited to one such charitable solicitation per year upon village streets or highways. The charitable organization shall be liable for any injuries to any person or property during the solicitation which is casually related to any act of ordinary negligence of the soliciting agency. Any person engaged in the act of solicitation shall be at least 16 years of age and shall wear a high visibility vest. Any charitable organization wishing to engage in such solicitation for contributions shall apply to ~~the chief of police of the village~~ clerk for a permit. The application shall state the following facts, along with such other facts as may be required by the ~~chief of police~~ village clerk:

- (1) The name, address and telephone number of the organization.
- (2) The name, address and telephone number of a local representative of the organization or that person making the application.
- (3) Proof that the organization is registered with the attorney general.
- (4) A statement of the statewide fundraising activity of which the local solicitation effort is a part.
- (5) A certificate of insurance showing whether the organization is insured against any claims for injuries or damage to property which is causally related to an act of ordinary negligence of the soliciting agent acting on behalf of the organization. The village shall be named as an additional insured on such certificate of insurance.
- (6) The location or locations at which approval to solicit is being sought.
- (7) The days and times of days at which such solicitation is proposed to take place.
- (8) The number of persons proposed to solicit at each location.

(Code 1972, § 16-118; Ord. No. 15-111, § 2, 6-25-2015)

**State Law reference—** Solicitation of charitable contributions upon highways within municipalities, 625 ILCS 5/11-1006.

**Sec. 22-304. - Same—Duties of police chief in issuance of solicitation permit.**

The ~~chief of police~~ village clerk shall issue a permit for solicitation as provided in [section 22-303](#) if he/~~she~~ finds that the applicant has complied with all of the provisions of state law regarding such solicitation and the provisions of [section 22-303](#). The ~~police chief~~ village clerk



must also find that the locations, times and durations of the proposed solicitation and number of proposed solicitors shall not result in an interference with the flow of vehicular traffic.

(Code 1972, § 16-119)

**Sec. 22-305. - Same—Violation; penalty.**

Any person, corporation, unincorporated association or other entity violating any provision of [section 22-303](#) or [22-304](#) shall, upon a judicial finding of such violation, be fined not less than \$50.00 nor more than \$500.00 for each separate violation.

(Code 1972, § 16-120)

Section 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 4: This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, this 17<sup>th</sup> day of March, 2016.

Ayes:\_\_\_\_\_ Nays:\_\_\_\_\_ Absent:\_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Ronald J. Gunter, Mayor

ATTEST:

\_\_\_\_\_  
Virginia Szymiski, Village Clerk